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DATE: JULY 28, 2005

NUMBER OF PAGES (INCLUDING
THIS TRANSMITTAL COVER SHEET): 8

TIME:

YOUR REFERENCE: 09/901,512

OUR REFERENCE: 212463

TO: U.S. PATENT AND TRADEMARK OFFICE
MAIL STOP: AF
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FROM: MARK JOY

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MESSAGE: **NOTICE OF APPEAL AND PRE APPEAL BRIEF REQUEST FOR
REVIEW**

Patent Application No. 09/901,512
Applicant: Ross et al.
Filed: July 9, 2001
TC/AU: 7508
Examiner: Nguyen, Nga B.
Docket No.: 212463

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/901,512

Applicant: James E. Ross

Filed: July 9, 2001

TC/AU: 3628

Examiner: Nga B. Nguyen

Docket No.: 212463

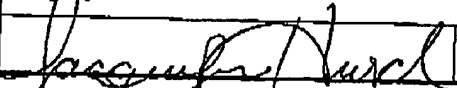
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants request review of the final rejection, dated February 28, 2005, in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheets.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: 571 273-8300.			
Name (Print/Type)	Jacquelyn Hurd		
Signature		Date	July 28, 2005

Application No. 09/901,512

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Reasons for Request

Applicants traverse the rejection of all the pending claims. However, for the sake of keeping the issues to a minimum, Applicants seek only Pre-Appeal Brief Review of the two independent claims (7 and 37) due to a clear error in the Final Office Action.

Applicants' recited invention is directed to displaying a list of patients' records via an electronic grease board. In particular, the claimed method and system relate to supporting a *variety of (i.e., multiple) grease board views* that present active patient record lists/sets. The patient lists, corresponding to sets of stored patient information record sets, are displayed in accordance with a designated one of the *variety* of supported grease board views. To anticipate the claimed invention, Collen must support multiple ways in which to display a patient grease board (representing a set of patients' records). Applicants request pre-appeal review of the final (anticipation) rejection because, in contrast to applicants' invention recited in claims 7 and 37 (reproduced below with emphasis added), Collen discloses an electronic grease board that supports only a *single* grease board view. Furthermore, the pending claims cannot be rendered obvious by the prior art since multiple supported views are not even remotely suggested by the Collen reference.

Applicants' Pending Independent Claims

7. A method of providing access to patient record documentation, patient tracking and order entry information in a system capable of rendering patient information in a *variety of grease board views*, comprising the steps of:

logging a user on to a peripheral terminal, and

displaying, at the peripheral terminal, a name of the user and an *active patient list grease board*, wherein the active patient list grease board is capable of displaying, *from each one of a set of active patient records, a set of related information* including:

room location,

patient's name,

patient's physician,

nursing orders,

patient priority and elapsed time of stay,

status of assignment of nurse and physician, and

status of X-rays, labs, tests, nurses' orders, records, dictation and vital signs,

wherein *patient record information sets, from the active patient records, are presented on the peripheral terminal, during the displaying step, in accordance with a designated one of the variety of grease board views.*

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37. A system for presenting, at a peripheral display terminal, patient information in a variety of grease board views, the system comprising:

a security module including computer executable instructions for logging a user on to a peripheral terminal, and

a tracking module including computer executable instructions for displaying, at the peripheral display terminal, an active patient list grease board, wherein the active patient list grease board is capable of displaying, from each one of a set of active patient records, a set of related information including the patient's name and a variety of task-related information, wherein patient record information sets, from the active patient records, are presented on the peripheral terminal, during the displaying step, in accordance with a designated one of the variety of grease board views.

Applicants' Specification

Applicants have reproduced portions of the published Ross Application 2002/0072934 relating to the above claims to aid understanding of the claim elements – in particular the multiple supported views of a patient list grease board.

Page 3, paragraphs 43-46, describes the multiple views of patient lists by way of multiple examples (that are the subject of the dependent claims).

[0043] Patient record documentation tracking and order entry starts with logging on to a peripheral CPU, displaying the user's name and the active patient list "grease board," and showing room location, patient's name and physician, nursing orders, priority and elapsed time of stay, and status of assignment of nurse and physician, ordering of X-rays, labs and tests, nurse's orders, records, dictation and vital signs.

[0044] Status is shown in small letters for ordering of X-rays, labs, tests, nurses' orders and dictation, and large letters to indicate completion of X-rays, labs, tests, nurse's orders and dictation transcripts.

[0045] Active patient list information is displayed in a department layout.

[0046] A screen shows a list of patients waiting to be seen by a physician, in the order of priority. Another display shows patient lists by patient complaints. A further display lists patient lists by those whose charts have not been dictated by the physician.

Page 4, paragraphs 54-56, of the Published Ross Application further elaborates upon the disclosure at page 3.

[0054] 102. Tracking Module—Medical personnel can quickly see the status of both individual patients and the entire department. TeleMed initially displays an active patient list showing all patients within the department. This display also provides a variety of additional pertinent information such as location, priority, elapsed time

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since entering the department, order status, vitals status and assigned physician.

[0055] This information can be presented in a variety of formats, sometimes with additional information, to help the department personnel quickly obtain the patient tracking information they need. Department layout displays a map of the department showing occupancy (and availability) and physician assignments. Waiting patients shows patients in the order they should be taken. Patient complaints presents patients with their associated complaints. A patient can be selected from any of these displays to enter his/her individual medical record.

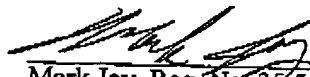
[0056] Other displays show outstanding orders and the latest vitals on each patient.

Collen's Disclosure

In contrast to the pending claims, the cited active patient record list display mechanism in the Collen reference presents only a single way for displaying patient lists. The single display format is depicted at page 124, FIG. 6-1b. The other displays in the subsequent pages relate to a single patient record, selected from the single patient list display, and in no way constitute alternative ways of presenting a list of active patients.

In conclusion, Applicants' recited invention relates to providing a variety of ways for presenting patient list information "grease board" that supports a user selecting a particular patient and thereafter accessing the specific patient record information associated with the patient. Each grease board view, of the variety of views, is populated by data retrieved from "patient record information sets" (emphasis added). Thus the invention requires a variety of ways of displaying patient record information for a set of patients in a grease board display. As explained above, the prior art Collen reference only describes a single way of displaying a list of active patient records (depicted in FIG. 6-1b on page 124 of *Collen*). The anticipation rejection of claims 7 and 37 (dependents thereof) is improper and should be withdrawn.

Respectfully submitted,



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Date: July 28, 2005